

NET FILE 0377 04-3

WC 07-239

FCC/MELLON

OCT 15 2007

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
FORM 155

Approved by OMB
3060-0589
Page No. 1 of 2

(1) LOCKBOX# 358145		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Canby Telephone Association		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$965.00	
(4) STREET ADDRESS LINE NO. 1 185 SE 1st			
(5) STREET ADDRESS LINE NO. 2 PO Box 880			
(6) CITY Canby		(7) STATE OR	(8) ZIP CODE 97013
(9) DAYTIME TELEPHONE NUMBER (include area code) (503) 266-8111		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0004-3409-49		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Canby Telephone Association			
(14) STREET ADDRESS LINE NO. 1 185 SE 1st			
(15) STREET ADDRESS LINE NO. 2 PO Box 880			
(16) CITY Canby		(17) STATE OR	(18) ZIP CODE 97013
(19) DAYTIME TELEPHONE NUMBER (include area code) (503) 266-8111		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0004-3409-49		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE CUT	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$965.00	(27A) TOTAL FEE \$965.00	FCC USE ONLY	
(28A) FCC CODE 1		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Keith Galitz</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>[Signature]</u>		DATE <u>10/11/07</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD <input type="checkbox"/> VISA <input checked="" type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER <input type="checkbox"/>			

FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE (CONTINUATION SHEET) FORM 159-C Page No 2 of 2		SPECIAL USE FCC USE ONLY
USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT SECTION BB - ADDITIONAL APPLICANT INFORMATION		
(13) APPLICANT NAME Mt. Angel Telecommunications, Inc.		
(14) STREET ADDRESS LINE NO. 1 155 North Garfield		
(15) STREET ADDRESS LINE NO. 2 PO Box 200		
(16) CITY Mt. Angel	(17) STATE OR	(18) ZIP CODE 97362-0200
(19) DAYTIME TELEPHONE NUMBER (include area code) (503) 845-2291		(20) COUNTRY CODE (if not in U.S.A.)
FCC REGISTRATION NUMBER (FRN) REQUIRED		
(21) APPLICANT (FRN)		(22) FCC USE ONLY
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE	(25A) QUANTITY
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE	FCC USE ONLY
(28A) FCC CODE 1		(29A) FCC CODE 2
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY
(28B) FCC CODE 1		(29B) FCC CODE 2
(23C) CALL SIGN/OTHER ID	(24C) PAYMENT TYPE CODE	(25C) QUANTITY
(26C) FEE DUE FOR (PTC)	(27C) TOTAL FEE	FCC USE ONLY
(28C) FCC CODE 1		(29C) FCC CODE 2
(23D) CALL SIGN/OTHER ID	(24D) PAYMENT TYPE CODE	(25D) QUANTITY
(26D) FEE DUE FOR (PTC)	(27D) TOTAL FEE	FCC USE ONLY
(28D) FCC CODE 1		(29D) FCC CODE 2
(23E) CALL SIGN/OTHER ID	(24E) PAYMENT TYPE CODE	(25E) QUANTITY
(26E) FEE DUE FOR (PTC)	(27E) TOTAL FEE	FCC USE ONLY
(28E) FCC CODE 1		(29E) FCC CODE 2
(23F) CALL SIGN/OTHER ID	(24F) PAYMENT TYPE CODE	(25F) QUANTITY
(26F) FEE DUE FOR (PTC)	(27F) TOTAL FEE	FCC USE ONLY
(28F) FCC CODE 1		(29F) FCC CODE 2

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Application of

Mt. Angel Telecommunications, Inc.,

Transferor,

and

Canby Telephone Association,

Transferee,

For Consent for Transfer of Control

WC Docket No. _____

APPLICATION FOR CONSENT FOR TRANSFER OF CONTROL

Pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Section 63.04 of the Commission's rules, 47 C.F.R. § 63.04, Mt. Angel Telecommunications, Inc. ("Mt. Angel") (the "Transferor") and Canby Telephone Association ("Canby") (the "Transferee"), with Mt. Angel and Canby together constituting the "Applicants" hereby file this Application. Mt. Angel holds 100 percent of the stock of Mount Angel Telephone Company ("Mount Angel Telephone"), the operating company serving the Mt. Angel service area. Mt. Angel and Canby hereby apply for Commission consent to transfer control of Commission licensees, which will result from Canby's proposed acquisition of 100 percent of the stock of Mount Angel Telephone from Mt. Angel (Transferor). Mount Angel Telephone provides local

exchange and exchange access telecommunications service in rural portions of the Willamette Valley in Oregon.

The proposed transaction contemplates acquisition of all of the stock of Mount Angel Telephone by Canby from the Transferor. Mount Angel Telephone currently serves fewer than two percent (2%) of the nation's access lines. With the acquisition, Canby will also serve fewer than two percent (2%) of the nation's access lines. Canby currently provides telecommunications service in the Willamette Valley in Oregon and is located approximately twenty miles from Mt. Angel's service area. Canby provides local exchange, exchange access and long distance telecommunications service within the Canby service area. Since this acquisition is a stock acquisition, service to customers will be provided at substantially the same rates, terms and conditions as are in effect today. Therefore, the proposed transaction will be largely transparent to existing customers. For these reasons, and for the reasons detailed below, the transaction will serve the public interest and the Commission should grant this Application on a streamlined basis.

In accordance with the requirements of Section 63.04 of the Commission's rules, the Applicants provide the following information:

- (1) Name, address, and telephone number of each applicant.

Transferor:

Mt. Angel Telecommunications, Inc.
155 North Garfield
PO Box 200
Mt. Angel, OR 97362-0200
(503) 845-2291

Transferee:

Canby Telephone Association
185 SE 1st
PO Box 880
Canby, OR 97013
(503) 266-8111

- (2) State under the laws of which each applicant is organized.

Mt. Angel is a corporation organized under the laws of the State of Oregon. Canby is a cooperative corporation organized under the laws of the State of Oregon.

- (3) Legal counsel to whom correspondence concerning the application is to be addressed.

For Transferor:

Richard A. Finnigan
2112 Black Lake Blvd SW
Olympia, WA 98512
(360) 956-7001

For Transferee:

Richard A. Finnigan
2112 Black Lake Blvd SW
Olympia, WA 98512
(360) 956-7001

- (4) Name, address, citizenship, and principal business of entities that own at least 10 percent of the equity of the applicants (to the nearest 1 percent).

For Transferor:

The following entities own at least 10 percent of Mt. Angel, directly or indirectly:

Name:	Thrasilla M. Bauman Survivors Trust, Thrasilla M. Bauman Trustee ¹
Address:	PO Box 343, Mt. Angel, OR 97362
Business:	Trust
Citizenship:	USA
Equity:	13%

¹ This is an estate planning trust with Thrasilla M. Bauman entitled to draw from the corpus of the trust during her lifetime.

Name: Thomas C. Bauman Trust dated September 20, 2006, Thomas C. Bauman Trustee²
Address: PO Box 562, Mt. Angel, OR 97362
Business: Trust
Citizenship: USA
Equity: 18%

No other person or entity owns a 10 percent or more direct or indirect interest in Mt. Angel.

For Transferee:

As a cooperative corporation, owned by its members, no one person has more than a 10 percent or more direct or indirect interest in Canby.

- (5) Certification pursuant to Sections 1.2001 through 1.2003 that no party to the application is subject to a denial of Federal benefits.

By their signatures below, the Applicants certify that no party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

- (6) Description of the transaction.

On October 11, 2007, Canby and Mt. Angel entered into an Agreement for Purchase and Sale of Stock, to transfer all of the stock of Mount Angel Telephone to Canby. Pursuant to the Agreement, Canby will acquire a 100 percent equity interest in Mount Angel Telephone.

- (7) Description of the geographic areas in which the Transferor and Transferee (and their affiliates) offer domestic telecommunications services, and what services are provided in each area.

Mount Angel Telephone provides local exchange, exchange access, broadband Internet access and other advanced services in the Mt. Angel, Oregon wire center located in the Willamette Valley in the State of Oregon. Mount Angel Telephone

² This is an estate planning trust.

is a rural incumbent local exchange carrier. Mount Angel Telephone serves approximately 1,908 access lines as of September 30, 2007.

Canby provides local exchange, exchange access, long distance, broadband Internet access and other advanced services in the Canby wire center located in the Willamette Valley in the State of Oregon. Canby served 10,667 access lines as of September 30, 2007.

- (8) Statement on how the application fits into one or more of the presumptive streamlined categories or why it is otherwise appropriate for streamlined treatment.

This application is eligible for presumptive streamlined treatment under Section 63.03(b)(2)(iii) of the Commission's rules, or in the alternative, is otherwise appropriate for streamlined treatment.

Under Section 63.03(b)(2)(iii), the Commission's streamlined procedures are presumed to apply where "the applicants are incumbent independent local exchange carriers ... that have, in combination, fewer than two (2) percent of the nation's subscriber lines installed in the aggregate nationwide, and no overlapping or adjacent service areas."³ Mt. Angel is an incumbent local exchange carrier which serves fewer than two (2) percent of the nation's subscriber lines. Upon acquisition of the stock, Canby will be an incumbent local exchange carrier serving fewer than two (2) percent of the nation's subscriber lines. In addition, since there are no overlapping service areas and no adjacent service territories, the proposed transaction accordingly falls within the presumptively streamlined category.

Alternatively, streamlined treatment is appropriate under the Commission's "case-by-case approach."⁴ Indeed, the Commission has adopted a

³ 47 C.F.R. § 63.03(b)(2)(iii).

⁴ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517 ¶34 (2002) ("Streamlining Order"); see also 47 C.F.R. § 63.03(a) (permitting streamlining "[u]pon determination ... that the application is appropriate for streamlined treatment").

“general rule in which all applications are eligible for streamlined processing,” finding that such general eligibility for streamlined processing “best reduces regulatory burdens on domestic telecommunications carriers, while at the same time ensuring that we continue to serve the public interest under section 214 of the Communications Act.”⁵

This application should be subject to streamlined processing because it involves only a transfer of equity interests, and presents no “novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.”⁶ As noted above (and discussed more fully below), this application presents no competitive or public interest concerns. Upon completion of the proposed transactions, Mount Angel Telephone will continue to provide service at substantially the same rates, terms and conditions as are in effect today. No customer will lose service or be adversely affected as a result of the proposed transaction. Because this transaction poses no competitive concerns and raises no novel issues, this application is appropriate for streamlined treatment.

- (9) Identification of all other Commission applications related to the same transaction.

None.

- (10) Statement whether the applicants are requesting special consideration because either party to the transaction is facing imminent business failure.

The Applicants are not requesting special consideration of the application.

- (11) Identification of any separately filed waiver requests being sought in conjunction with the transaction.

The Applicants do not seek any waivers from the Commission in conjunction with this transaction.

⁵ *Streamlining Order* ¶34.

⁶ *Id.* ¶28.

- (12) A statement showing how grant of the application will serve the public interest, convenience, and necessity, including any additional information that may be necessary to show the effect of the proposed transaction on competition in domestic markets.

This proposed transaction will serve the public interest because it will provide benefits to customers without any countervailing harms. Mt. Angel is currently a family-owned corporation whose owners are seeking to retire. Canby will bring vigorous ownership with sufficient financial resources to meet the needs of Mt. Angel customers.

In contrast to the substantial potential benefits, the proposed transaction poses no countervailing harms. The proposed transaction contemplates only a change of equity ownership. Upon consummation of the proposed transaction, Mount Angel Telephone will continue to provide service at substantially the same rates, terms and conditions as are in effect today. There will be no reduction, impairment, or discontinuance of service to any customer as a result of the proposed transaction. Because of this, the proposed transaction will be largely transparent to Mount Angel Telephone's current customers.

For all of the foregoing reasons, the proposed transaction will serve the public interest and this application should be granted on a streamlined basis.

Payment in the amount of \$965.00, along with FCC Form 159, was transmitted to the Federal Communications Commission, Wireline Competition Services CPD214Appls., P.O. Box 358145, Pittsburgh, PA 15251-5145 for delivery this date.

An original and five copies of this Application are enclosed for filing. To acknowledge receipt, please stamp and return one copy of this Application enclosed for that purpose. Please contact the undersigned with any inquiries concerning this Application.

Respectfully submitted,

Mt. Angel Telecommunications, Inc.

Canby Telephone Association

By: Thomas C. Bauman

By: 

Its: President

Its: President

Dated: October 11, 2007

CERTIFICATE OF COMPLIANCE WITH
SECTION 5301 OF THE ANTI-DRUG ABUSE ACT OF 1998

Pursuant to the provisions of 47 C.F.R. §1.2002, Mt. Angel Telecommunications, Inc., as Applicant, and Thrasilla M. Bauman Survivors Trust, Thrasilla M. Bauman Trustee, and the Thomas C. Bauman Trust dated September 20, 2006, Thomas C. Bauman Trustee, as Parties to the Application, each individually and collectively hereby certify that neither the Applicant nor any party to the Application is subject to the denial of Federal benefits, specifically including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998 (21 U.S.C. §862).

Respectfully submitted and executed under penalty of perjury this 11th day of October, 2007.

Thomas C. Bauman
Thomas C. Bauman, President
Mt. Angel Telecommunications, Inc.

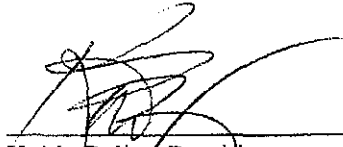
Thrasilla M. Bauman
Thrasilla M. Bauman, Trustee
Thrasilla M. Bauman Survivors Trust

Thomas C. Bauman
Thomas C. Bauman, Trustee
Thomas C. Bauman Trust dated
September 20, 2006

CERTIFICATE OF COMPLIANCE WITH
SECTION 5301 OF THE ANTI-DRUG ABUSE ACT OF 1998

Pursuant to the provisions of 47 C.F.R. §1.2002, Canby Telephone Association, as Applicant, hereby certifies that the Applicant nor any party to the Application is subject to the denial of Federal benefits, specifically including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998 (21 U.S.C. §862).

Respectfully submitted and executed under penalty of perjury this ____ day of
October, 2007.



Keith Galitz, President
Canby Telephone Association